

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN MITCHELL

v.

CBA INFORMATION SERVICES, INC.

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CIVIL ACTION NO. 02-4442

ORDER

AND NOW, this day of November, 2004, it is hereby ORDERED that defendant CBA Information Services' Motion to Continue Trial is GRANTED. Accordingly, this matter shall be rescheduled for trial on January 12, 2004 in the United States District Court, United States Courthouse, 601 Market Street, Philadelphia, PA at 10:00 a.m. in Courtroom No. 15-A.

BY THE COURT:

John P. Fullam, J.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN MITCHELL

v.

CBA INFORMATION SERVICES, INC.

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CIVIL ACTION NO. 02-4442

**DEFENDANT CBA INFORMATION SERVICES'
MOTION TO CONTINUE TRIAL**

1. Plaintiff Kevin Mitchell commenced this action on July 3, 2002 alleging that defendant CBA Information Services (hereinafter "CBA") violated the Fair Credit Reporting Act in reinvestigating certain information contained in consumer credit reports that were issued by CBA.

2. The acts and omissions that form the gravamen of this action occurred between approximately January 31, 2002 and April 15, 2002.

3. On those dates CBA's manager of consumer assistance was Pauline Collier.

4. In that capacity, Ms. Collier was responsible for supervising the department that handled plaintiff's requests that CBA investigate the disputed information. In addition, Ms. Collier had personal involvement in investigating some of the information that plaintiff disputed.

5. Ms. Collier's testimony is therefore essential to CBA's defense.

6. In addition, plaintiff has indicated that he intends to subpoena Ms. Collier to testify.

7. This matter is scheduled for a jury trial on November 17, 2003.

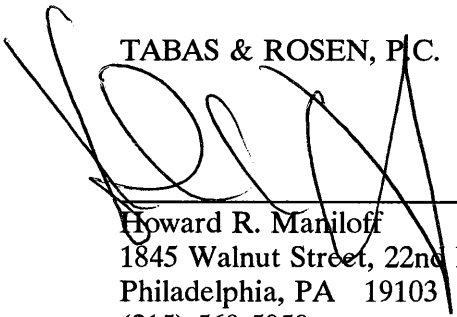
8. Unfortunately, about 10 days ago, Ms. Collier began a five (5) week course of daily radiation therapy for breast cancer.

9. As a result of that treatment, it is anticipated that Ms. Collier will not be available to testify for approximately eight (8) weeks.

WHEREFORE, defendant CBA prays that this Court continue trial of this matter January 12, 2004.

Respectfully submitted,

TABAS & ROSEN, P.C.



Howard R. Maniloff
1845 Walnut Street, 22nd Floor
Philadelphia, PA 19103
(215) 569-5050

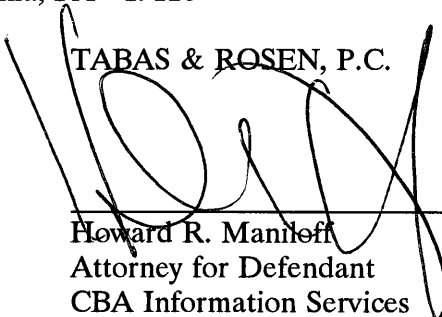
Attorney for Defendant
CBA Information Services

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant CBA Information Services' Motion to Continue Trial has been filed electronically and is available for viewing and downloading from the ECF System and service of said motion is being made pursuant to ECF Procedural Order ¶ 7(a) on the following:

James A. Francis, Esquire
Francis & Mailman, P.C.
100 South Broad Street, 19th Floor
Philadelphia, PA 19110

TABAS & ROSEN, P.C.



Howard R. Manileff
Attorney for Defendant
CBA Information Services